

§44 SPECIAL PERMIT AND/OR SITE PLAN DOCUMENTS, STANDARDS AND OBJECTIVES *Revised 08-05-16*

44-1 Documents

For all uses requiring a Special Permit or Site Plan, a complete application shall be submitted on Westport Planning and Zoning forms together with a fee, payable to the Town of Westport and the following information. If the Planning and Zoning Director finds any of the following requirements not applicable for small-scale projects, such items may be waived pursuant to §44-4.

44-1.1 General Information

44-1.1.1 The following information shall appear on all maps and plans:

- (a) Name of the applicant and the name of the owner of record as listed in the Assessor's Office.
- (b) Date, north arrow, numerical and graphic scale and revision dates.
- (c) The street and address of the property.

44-1.1.2 On the Site Plan map a table or chart shall appear indicating the proposed number or amount and types of uses, lot area, setbacks, coverage, building area, building height, floor area ratio, parking computations and landscaping computations as they relate to the requirements of the zoning regulations.

44-1.1.3 In addition to the required maps, a written description of the proposed use or uses.

44-1.1.4 In the case of a non-conformity in a non-residence district, the statement required by §6.5, with supporting evidence.

44-1.2 Location Map

One (1) copy of the Assessor's Map(s) at a scale not to exceed one (1) inch equals two hundred (200) feet. The map shall show the subject property and all adjoining property including those properties directly across a street, waterbody, or watercourse and within one hundred (100) feet of the subject property. The following additional information shall be submitted:

44-1.2.1 A list of names and addresses of all property owners within 250 feet of the subject property.

44-1.2.2 Certificates of Mailing for each such property owner as shown on the tax assessment records as of the date of application submission. Each property owner shall receive a notice indicating that an application has been submitted to the Planning & Zoning Commission.

44-1.3 Existing Conditions Map

Three (3) copies of an accurate scaled survey map of the property prepared by a registered Land Surveyor at a scale not to exceed one (1) inch equals forty (40) feet on sheets not to exceed 24" x 36." Said survey map shall be drawn to an A-2 accuracy as defined by the Connecticut Technical Council, shall be certified "substantially correct" by a registered Land Surveyor and shall include all existing property lines, easements, rights-of-way, contours at intervals of two feet referred to USGS MSL datum, wooded areas, watercourses, wetlands, aquifers, rock outcrops, stone walls, location of existing trees with a trunk caliper of more than eight (8) inches, except in wooded areas, buildings, structures, signs, fences, walls, paved areas, curbs, curbcuts, edges-of-pavement,

sidewalks, light poles, utility poles, catch basins, manholes, hydrants and other similar physical features.

- 44-1.3.1 The survey shall also show the following off-site information:
- (a) Buildings, parking areas and curb-cuts on all adjoining property located within fifty (50) feet of the site.
 - (b) All cross streets located within fifty (50) feet of the site.
 - (c) All curb-cuts or driveways across the street from or opposite the site.
 - (d) All traffic lights and controls, public trees, catch basins, manholes, hydrants, utility poles and utility lines located in adjacent streets.

44-1.4 Site Plan Map

Six (6) copies of an accurate scale plan, prepared and sealed by a registered architect, landscape architect, engineer or surveyor at a scale not to exceed one (1) inch equals forty (40) feet on sheets not to exceed 24" x 36," and ten (10) additional copies of said site plan, reduced to scale to 11"x 17" for distribution to the Planning and Zoning Commission and Staff. Said site plan shall be prepared from a plot plan certified "substantially correct" by a registered Land Surveyor, based on a Class A-2 Survey, said plot plan shall be identified. An electronic version of the plan in PDF format shall also be submitted. The site plan shall illustrate the proposed development of the property and shall include the following information:

- 44-1.4.1 The Property
- (a) The boundaries of the property and Zoning District Boundary Line located on the subject property.
 - (b) Location, width and purpose of all existing and proposed easements and rights-of-way on the property.
 - (c) Existing and proposed contours at intervals of two feet; referred to USGS MSL datum; except for a change of use application.
 - (d) Location of all existing wooded areas, watercourses, wetlands, aquifers, rock outcrops, stone walls and other significant physical features and, where applicable, the mean high water line, the wetlands boundary, the waterway protection line, the twenty-five (25) year flood line, the one hundred (100) year flood line, the floodway boundary and the CAM boundary; except for A Change of Use application.
 - (e) Location of existing trees not located in wooded areas, with a trunk caliper of more than eight (8) inches as measured four (4) feet above the ground and mature evergreens of ornamental quality.
- 44-1.4.2 Buildings, Structures and Uses
- (a) Location, design and height of all existing and proposed buildings, structures, signs, fences and walls, including retaining walls.
 - (b) Location of all existing and proposed uses and facilities not requiring a building.

44-1.4.3 Parking, Loading, and Circulation

- (a) Location, arrangement and dimensions of standard automobile parking stalls, aisles, vehicular drives, fire lanes, entrances, exits and ramps.
- (b) Location, arrangement and dimensions of loading and unloading areas.
- (c) Location and dimensions of pedestrian entrances, exits, sidewalks and walkways.

44-1.4.4 Front, Parking and Buffer Landscaping

A preliminary landscape plan showing the general location and layout of plantings within all landscaped areas; as well as any fencing, walls, and other screening proposed. Plant selection shall be made per the Approved Tree List provided at the end of §35, Landscaping, Screening and Buffer Areas.

44-1.4.5 Signs and Lighting

Locations, size, height, orientation, design and plans of all signs and outdoor lighting including shielding, foot candles and hours of operation.

44-1.4.6 Utilities

Locations and design of all existing and proposed sanitary sewer, storm drainage, water supply facilities and refuse collection areas as well as other underground and above ground utilities and any ground level mechanical equipment. All new utility services shall be located underground and the Commission may require existing overhead lines to be placed underground. (a) Sanitary sewer, storm drainage, retaining walls and other similar engineering improvement(s) plans shall be designed and sealed by a registered professional engineer unless the Town Engineer otherwise approves an incidental improvement. Such engineering improvements shall be accompanied by appropriate data in accordance with good engineering practice such as quantity and velocity calculations, profiles, cross-sections, pipe sizes, flow lines, pipe slopes and lengths, invert and top of grate elevations, existing and proposed grades and construction materials.

44-1.5 Staging or Phasing Plan

In cases where the applicant wishes to develop the site in stages, an overall site and staging plan indicating both phases and development schedule for obtaining Zoning Permits and for completing work on a phase-by-phase basis shall be submitted.

44-1.6 Building Plans

Six (6) copies of preliminary architectural drawings of all proposed buildings and structures, at a scale not to exceed one (1) inch equals eight (8) feet, and ten (10) additional copies of said drawings, reduced to scale to 11"x 17" for distribution to the Planning and Zoning Commission and Staff shall be submitted. An electronic version of the drawings in PDF format shall also be submitted. The drawings shall show the following information:

- 44-1.6.1 All exterior wall elevations, indicating finished floor elevations, building heights in relation to mean sea level, base flood elevation data, lowest floor elevation, doors and windows, size and location of roof top mechanical equipment and building material.

- 44-1.6.2 Building floor plans indicating existing & proposed usage interior floor area and/or patron floor area. All building floor plans shall indicate floor area dimensions.

44-1.7 Comparison Maps

If an applicant is unable to demonstrate that the site plan is conforming with respect to parking and landscaping, then ten (10) copies of each required comparison map shall be provided.

An "existing comparison map" shall be required based on the existing footprint(s) of building(s) and structure(s) and lot area(s) being used. If the site plan proposes changes to such footprint(s) and/or lot area(s) then a "proposed comparison map" shall also be required based on the proposed footprint(s) and/or lot area(s).

Comparison maps shall be used by the Planning and Zoning Commission for comparison with each other, and with the "parking, loading, and circulation" information on the site plan map, for the purpose of determining the extent of non-conformance with respect to parking and landscaping, and for calculations pursuant to §34-3, Reduction of Parking Requirements by Special Permit.

Comparison maps shall be based on the site plan map, and shall include all information on the site plan map relevant to parking and landscaping.

Parking plans shown on comparison maps shall conform to §34, Off-Street Parking and Loading, and §35, Landscaping, Screening and Buffer Areas, as if for an undeveloped site, except that:

- (a) such parking plans shall show only the number of parking spaces which can be placed on the site using the parking and landscaping design standards, i.e., such parking plans shall not be required to demonstrate the ability to place the number of spaces required for the proposed use(s), and
- (b) such parking plans shall show the intrusion, if any, of existing buildings and/or structures into setbacks, buffers, and/or landscape areas.

44-2 Other Reports and Documents

The applicant shall also obtain and submit to the Commission pursuant to §43-3.2 such of the following reports and documents as are applicable.

44-2.1 Local Agency Reports

- 44-2.1.1 The applicant shall obtain a written report indicating recommendations, preliminary approvals, final approvals or disapprovals from any of the following agencies having jurisdiction over the application, or any aspect thereof, where applicable:
 - Zoning Board of Appeals
 - Westport-Weston Health District
 - Town Engineer
 - Flood and Erosion Control Board
 - RTM Waterway Protection Lines
 - Architectural Review Board
 - Historic District Commission
 - Westport Housing Authority
 - Police Chief
 - Fire Chief/Fire Marshall
 - Board of Selectman/Traffic Authority/Water Pollution Control authority.
 - Tree Board.
- 44-2.1.2 If the application involves an activity regulated by the Conservation Commission and/or Conservation Director, as applicable, indicating their final decision.

44-2.2 State or Federal Agency Reports

The applicant shall EITHER obtain a written report indicating recommendations, preliminary approvals, final approvals or disapprovals from any State or Federal Department, Bureau or Agency such as Connecticut Department of Transportation, Connecticut Department of Environmental Protection, State Traffic Commission, U.S. Army Corps of Engineers, etc., having jurisdiction over the application or any aspect thereof; OR otherwise provide sufficient written evidence that such State or Federal agency approvals appear to have a reasonable probability of success. In the event that any State or Federal agency has a policy that precludes the provision of such decision until after the Planning & Zoning Commission has rendered its decision, the Planning & Zoning Commission may waive this requirement. If the Commission determines that a State or Federal agency’s approval has a material impact on the approved application, further review by the Commission shall be required.

44-2.3 Legal Documents

The applicant shall EITHER obtain all necessary legal documents or rights such as easements, rights-of-way, articles of association, covenants, deed restrictions, etc., OR otherwise provide sufficient written evidence to demonstrate that the acquisition of all such necessary legal documents or rights appears to have a reasonable probability of success.

44-2.4 Drainage Report

A storm drainage analysis shall be required for any project containing either twenty (20) or more parking spaces in a new or expanded parking lot or ten thousand (10,000) or more square feet of gross floor area in a new or expanded building. The storm drainage analysis shall contain at least the existing and projected storm water runoff calculations for the affected watershed based on a twenty-five (25) and on hundred (100) year storm.

- (a) Storm drainage facilities shall be designed to achieve at least a zero impact runoff based on a minimum 25-year storm flow. The design shall be based on the maximum allowable total coverage for the project site.
- (b) Street culverts and bridges shall be designed for a 100-year storm flow.
- (c) Where it is projected that the additional storm water runoff will increase or otherwise aggravate any downstream flooding condition, the Commission shall not approve the project unless and until either: (1) provision has been made by the applicant for the improvement of said inadequate condition; or (2) the proposed project has been otherwise approved in writing by both the F&ECB and the Town Engineer.

44-2.5 Requirements for Traffic Impact Analysis

A traffic impact analysis submitted by a recognized traffic engineer shall be required for any project containing either fifteen (15) or more new residential dwelling units, forty (40) or more parking spaces in a new or expanded parking lot or any project over ten thousand (10,000) square feet of gross floor area in a new or expanded building or group of buildings. The requirements listed above shall be applicable to any site or adjacent and interrelated sites that exceed these thresholds over a five (5) year period.

The traffic impact analysis shall include the following information, unless approved by the Planning and Zoning Commission to waive any of these requirements:

- past and present roadway conditions,

- existing roadway capacity, including Level of Service (LOS), vehicle delay (seconds) and volume to capacity ratios,
- length of time and the direction of intersection delay during each day which reduces the Level of Service to D or below,
- traffic accidents,
- existing and projected traffic volumes (ADT, Peak A.M. and Peak P.M.) unless there are other projected peak hours of the proposed or expanded use, such as mid-day, mid-afternoon, evening and/or weekends,
- existing and projected volume/capacity ratios,
- conduct of a speed study on an adjacent street to the project site to determine an 85th percentile speed for intersection site distance requirement calculations or submission of speed data sufficient to calculate the 85th percentile speed from the Connecticut Department of Transportation gathered within the past eighteen (18) months,
- existing and proposed sightlines based on facts and reasonable generation factors for the site and affected road networks and intersections.
- data for this analysis shall include data derived from the most recent baseline traffic study prepared for the town of Westport, as amended from time to time, as an additional basis for background traffic assumptions. The applicant shall provide any data gathered or projections made in electronic format so that such new data can be incorporated into and used to update the town's baseline traffic model,
- the Commission may at its discretion require additional data and analysis, which the Commission deems necessary to supplement, improve and enhance the accuracy of the traffic data related to the application.

The Planning and Zoning Commission may waive any of the above listed requirements.

- (a) The project shall be designed to minimize left turn movements or conflicts on the street at the site for traffic entering and exiting the site.
- (b) Driveways shall be designed to achieve clear sight lines based on the design procedures set forth in the Connecticut Department of Transportation, Highway Design Manual, §11-2, (as amended). The Design Speed for calculation of sight distance shall be the 85th percentile speed at each site driveway, as defined in § 6-2.01(7) of the Highway Design manual, and as determined by filed measurements. Driveways shall be constructed in a manner that supports prohibited left turns from the site where applicable.
- (c) The project design shall consider interconnecting parking areas, shared common access drives and future access connections to adjacent property.
- (d) Where it is projected that the additional traffic resulting from the project will exceed a volume/capacity ratio of 0.8 at the intersection, reduce the Level of Service to "D" or below for the intersection as a whole, or further reduce the Level of Service when it is already at "D" or below for any movement at the intersection, the Commission may at its discretion require that:
 - (1) provision be made by the applicant for the improvement of said inadequate condition; or
 - (2) the proposed project be otherwise reduced or modified to mitigate the adverse impacts.

44-2.6 Sewerage Reports

A sewer impact analysis shall be required for any project that proposes either to change the use to multi-family housing, to extend a public sanitary sewer line, to install a new pump station, or to provide a common sewer line serving two or more properties. The sewer analysis shall assume the impact on the existing capacity of any downstream truck sewers, pump stations, and force mains affected by the project. Where it is projected that the additional sewage effluent resulting from the project will exceed a volume/capacity ratio of 0.8 in any affected public sanitary sewer line or reduces the peak hour efficiency of any affected sewer pumps below eighty (80) percent, the Commission shall not approve the project unless and until either:

- (1) provision has been made by the applicant for the improvement of said inadequate condition; or
- (2) the proposed project has been otherwise approved by the Water Pollution Control Authority.

44-2.7 Archaeological Report

A site investigation report identifying archaeological and historic areas, within a specific site may be required for any Site Plan or application for a proposal that:

1. Is located within 200 feet of a watercourse, wetlands (tidal and freshwater) or Long Island Sound where the site has not been previously significantly disturbed; and
2. Involves cumulative site disturbance of 1/2 acre or more, where the ground will be dug up, regraded or otherwise disturbed.

The investigation shall be undertaken for the applicant by or under the supervision of a professional such as a professional archaeologist, or other professional with similar credentials.

- (a) The investigative report shall include historic research, an on-site inspection, identification of any artifacts or features found (with photos), an assessment of the project's impact on and the site sensitivity of any affected area, a description of the recommended research design methodologies and techniques, an estimate of implementation costs and time for more intensive site examination and recommended alternatives to mitigate adverse impacts from the project.
- (b) Where it is found that the project will adversely impact an historically or archaeologically sensitive area, the Commission shall not approve the project unless and until either:
 - (1) provision has been made by the applicant for a more intensive site investigation to proceed by qualified professionals for a reasonable period of time prior to the commencement of the project; or
 - (2) the proposed project has been otherwise revised or modified to mitigate the adverse impacts.

44-2.8 Sediment and Erosion Control Plan (S & E Plan)

A Sediment and Erosion Control Plan, pursuant to §37-1 herein, shall be required for all applications for Special Permit or Site Plan Review where the cumulative area(s) of disturbance is one half (1/2) acre or more; and if deemed necessary by the Planning and Zoning Commission may be required for applications/projects with less than one half (1/2) acre of cumulative disturbed area(s).

44-3 Final Landscape Plan

Prior to the issuance of a Zoning Permit for an approved Site Plan, the applicant shall prepare and submit a detailed landscape plan to the Planning and Zoning Commission for final approval. The detailed landscape plan shall show the location, layout, type, size, number and species of plantings within all landscape areas; the fencing, walls and other screening; and the proposed methods of, and specifications for planting. Final approval must be secured prior to the issuance of a Zoning Permit.

44-4 Delete or Modify Document Requirements

The Planning and Zoning Director may delete or modify in writing any Site Plan document requirement specified in §44-1 and §44-2 (other reports and documents) for any small scale project such as a change of use, building expansion of 1,000 square feet or less or parking expansion of ten (10) spaces or less and other similar minor modification provided that the information required is unnecessary for the particular application and the lack of such information will not impair or prejudice the Planning and Zoning Commission's determination as to the application's conformity to the Zoning Regulations. Any such deletion or modification shall be noted in the file not less than fourteen (14) days prior to the date of the Public Hearing or Review, except if not required pursuant to §43-14.

44-5 Site Plan Standards and Objectives

In reviewing a Site Plan Application, the Commission shall take into consideration the public health, safety and welfare and the standards contained in this §44-5 and its subsections. If an application does not comply with such standards and objectives the Commission may deny it or may require such modifications of the proposed plans as it deems necessary to comply with the specific areas, bulk, parking, landscaping, sign and document standards contained herein as well as to assure the accomplishments of the standards and objectives of this §44-5.

44-5.1 Public Safety

That all buildings, structures, uses, equipment or material are directly accessible for fire, police and ambulance services. The plans shall comply with the Town's Fire District and Fire Lane Ordinances, subject to the approval of the Fire Marshal. The plans shall comply with the State Building Code, with specific regard to the handicapped ramp, depressed curb and parking provisions and the elevator provisions, subject to the approval of the Building Inspector. All elevators shall be of adequate size to accommodate a standard ambulance stretcher.

44-5.2 Traffic and Pedestrian Access

That all proposed vehicular and pedestrian accessways are safely designed, adequately provided and conveniently arranged to prevent traffic and pedestrian hazards both within the site and on the street. At least the following aspects of the site plan shall be evaluated to determine conformity to this objective:

- (a) The number, location and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.
- (b) The width, grade and alignment of entrances and exits.
- (c) The distance of entrances and exits from street corners, places of public assembly and other accessways.
- (d) The visibility in both directions at all exit points of the site and the visibility of a vehicle entering or exiting the site to the driver of a vehicle traveling on the street.

44-5.3 Circulation and Parking

That the vehicular circulation pattern and the off-street parking and loading spaces are safely designed, adequately provided and conveniently arranged to meet the needs of the proposed uses and to prevent traffic congestion, within the site and on the street. At least the following aspects of the site plan shall be evaluated to determine conformity to this objective:

- (a) The effect of the proposed development on traffic conditions on abutting streets.
- (b) The patterns of vehicular and pedestrian circulation both within the boundaries of the development and in relation to the adjoining street and sidewalk systems.
- (c) The adequacy of traffic signalization traffic channelization, left turn lanes, or roadway width on the adjoining streets.
- (d) The interconnection of parking areas via access drives within and between adjacent lots or uses, in order to maximize efficiency, minimize curb cuts and encourage safe and convenient circulation.
- (e) The adequacy of vehicular stacking lanes and/or distances.
- (f) The adequacy of pedestrian drop-off areas for visitors, car pools or transit buses.
- (g) The location, arrangement and adequacy of off-street parking and loading facilities.
- (h) The location, arrangement and adequacy of handicapped facilities such as ramps, depressed curbs and reserved twelve (12) foot wide parking spaces.
- (i) The location and design of vehicle maneuvering areas, backaround areas and fire lanes.
- (j) The physical identification of entrances, exits, one-way drives, small car spaces, handicapped spaces and fire lanes.
- (k) The provision of bumper guards, guard rails, wheel stops, speed bumps, traffic signs, islands, crosswalks and similar safety devices necessary to protect life and property.

44-5.4 Landscaping and Screening

That the proposed development will protect the environmental quality of the site and will preserve and enhance the adjacent property values. At least the following aspects of the site plan shall be evaluated to determine conformity to this objective.

- (a) Existing large and/or specimen trees shall be preserved to the maximum extent possible particularly within the front landscape and buffer strip areas.
- (b) The front landscape area shall conform to the "Greening of the Post Rd." and other Beautification Committee plans dated November 1973 and January 1974, as revised, where applicable. No such street tree shall be removed without the approval of the Beautification Committee. Any such tree so removed shall be replaced in kind at the expense of the property owner.
- (c) The location, arrangement and adequacy of landscaping within and bordering parking and loading areas.
- (d) Vehicular parking, loading and service areas shall be screened during all seasons of the year from adjacent residential districts in accordance with Sec. 35, herein.
- (e) The location, height and materials of walls, fences, mounds, berms, hedges and plantings so as to ensure compatibility with the character of adjacent development, screen parking and loading areas, and conceal storage areas, utility installations and other such features in accordance with §35, herein.

- (f) The prevention of dust and erosion through the planting of ground cover or installation of other surfaces.
- (g) The preservation of natural attributes and major features of the site such as watercourses, waterbodies, wetlands, highly erodible areas, major trees, historic structures and scenic views both from the site and onto or over the site.

44-5.5 Lighting and Noise

- 44-5.5.1 That all exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light at, and glare across, the property lines.
 - (a) All exterior light fixtures shall be located at the minimum height from the ground and the maximum distance from the property line consistent with providing adequate and safe lighting of the building entrances, walkways, parking area and accessways.
 - (b) All exterior lighting shall be designed so that the filaments, light sources or lenses are shielded with opaque material in such a way that the light will be down directed and will not be visible at a height greater than six (6) feet above the ground level at property lines.
 - (c) Unshielded lighting may be used if it can be shown that the light distribution characteristics of the proposed fixtures are not objectionable.
 - (d) Lighting may be directed upward at such an angle to light only on-site buildings, trees, shrubs or site surfaces.
 - (e) Lights producing varying intensities, changing colors, or light movement shall be prohibited.
- 44-5.5.2 Buildings and accessory facilities shall be designed and arranged and the installation of sound absorptive shielding on the site (mounds, berms, screening or other suitable noise barriers) may be required so as to minimize noise levels at the property line.

44-5.6 Public Health

That all utility systems are suitably located, adequately designed, and properly installed to serve the proposed uses, to protect the property from adverse air, water or land pollution, and to preserve and enhance the environmental quality of the surrounding neighborhood and that of the Town.

- (a) Provisions shall be made for any necessary sedimentation control and/or control of erosion by wind or water during the construction period as recommended by the Conservation Director pursuant to Sec. 37 herein.
- (b) Storm drainage facilities shall be provided to adequately and safely drain the site while minimizing downstream flooding, subject to the approval of the Town Engineer.
- (c) All refuse collection areas shall be located near the service entrance or loading area of a building, shall be easily accessible to service trucks, and shall be screened or otherwise enclosed by plantings, walls or fencing.

44-5.7 Character and Appearance

That the location, size and design of any proposed building structure or use, as well as the nature and intensity of operations involved in or conducted in connection therewith, will be compatible and harmonious with the character and appearance of the surrounding neighborhood, and will not be hazardous or otherwise detrimental to the appropriate and orderly development or use of any adjacent land, buildings or structure as indicated by the exterior appearance of existing buildings (bulk, height, roof style, materials and color), their location on the site in relation to streets, parking and adjacent residences and their relationship to the natural terrain, watercourses, waterbodies, wetlands and vegetation.

44-6 Special Permit Standards

In reviewing a Special Permit application or an application for a change in a Special Permit use, the Commission shall consider all the standards contained in § 44-5, Site Plan Standards and Objectives, herein, and shall take into consideration the public health, safety and general welfare and may prescribe reasonable conditions and appropriate safeguards to assure the accomplishment of such standards and objectives. In granting any Special Permit, including any change in a Special Permit Use, the Commission shall determine that the proposed use conforms to the overall intent of these regulations and shall consider each case whether proposed use will:

- (1) Be in conformance with the Town Plan of Development;
- (2) Not prevent or inhibit the orderly growth and development of the area;
- (3) Not have a significant adverse effect on adjacent areas located within the close proximity to the use;
- (4) Not interfere with pedestrian circulation;
- (5) Not have a significant adverse effect on safety in the streets nor unreasonably increase traffic congestion in the area, nor interfere with the pattern of highway circulation;
- (6) Not have a significant adverse effect on historical, archeological and/or paleontological sites;
- (7) Preserve important open space and other features of the natural environment related to the public health, safety and welfare;
- (8) Not obstruct significant views which are important elements in maintaining the character of the Town or neighborhood for the purpose of promoting the general welfare and conserving the value of buildings;
- (9) Not have a significant adverse effect on storm drainage, sewage disposal or other municipal facilities;
- (10) Be in scale with and compatible with surrounding uses, buildings, streets and open spaces.

44-7 Division Of Land In Mixed Use Developments

44-7.1 Purpose

The purpose of this provision is to facilitate a more cohesive development of land; to encourage the development of land with mixed uses; to require the provision of joint parking pursuant to §34-8, herein; to require the lessening of congestion in the streets during the weekday AM and PM peak periods and/or the Saturday noon peak pursuant to the provisions of §44-2.4 and §44-2.6, herein; and to require the provision of shared driveways to enhance public safety.

44-7.2 Two Lot Split

Where the Planning and Zoning Commission has granted site plan or special permit approval for either a multi-use development or a residential or non-residential single-use development that contains at least one use listed in §34-8, herein; in which the owner or developer wishes to create separate parcels, a division of the approved parcel into two lots for the purpose of sale or building development may be permitted by the Commission after the submission of an amended site plan and a certified record map both to be filed in the Town Clerk's Office showing such division, lot areas, floor area ratios, building coverages, parking spaces and containing a notation that the lots shown thereon are subject to the site plan number approved for the total parcel. Any conveyance relating to said approved parcel, or any portion thereof, shall make reference to said certified record map and site plan number; provided however, that such a division shall not be permitted if the mixed use development includes only office buildings or only office and retail buildings.

- 44-7.2.1 Cross-easements for access, parking, utilities, and other similar facilities shall be provided, as necessary, to enable each lot to be a self-sufficient entity.
- 44-7.2.2 For the purpose of compliance with these regulations such a divided development parcel shall be considered a single lot.

44-7.3 Changes to Amended Site Plan

The amended site plan shall not be changed without the prior approval of the Commission by way of special permit procedure or site plan review and the consent of the lot owners as follows:

- 44-7.3.1 If the proposed changes to the Amended Site Plan are on both lots, the majority in interest of the lot owners of both lots must consent in writing to said changes.
- 44-7.3.2 If the proposed changes to the Amended Site Plan are on one lot only, the majority in interest of the lot owners on such lot only, must consent in writing to said changes.
- 44-7.3.3 In all cases, plans required to be submitted for approval of proposed changes to the Amended Site Plan shall show the entire site development, including both lots and the Commission shall consider the overall effect of the proposed changes on the entire site.

44-7.4 Subdivision

A division of a development parcel into three or more lots shall only be effected by the procedures set forth in the subdivision regulations.